

1 THE HONORABLE JAMES L. ROBART
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 CITY OF SEATTLE

Case No.: 2:23-cv-00098JLR

11 Plaintiff,

12 vs.
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14 **STIPULATED MOTION TO
EXTEND DEADLINES;
[PROPOSED] ORDER THEREON**

HYUNDAI MOTOR AMERICA, INC. AND
KIA AMERICA, INC.,

15 Defendants.

16 **NOTING DATE: MARCH 28, 2023**

1 WHEREAS, on January 23, 2023, the City of Seattle (“Plaintiff”) filed the above-captioned
 2 action against Defendants Hyundai Motor America, Inc. and Kia America, Inc. (“Complaint”);

3 WHEREAS, the Judicial Panel on Multidistrict Litigation (“JPML”) coordinated before the
 4 Honorable James V. Selna in the United States District Court for the Central District of California
 5 class actions brought on behalf of owners and lessees of certain Hyundai and Kia vehicles without
 6 engine immobilizers (the “MDL”);

7 WHEREAS, on January 24, 2023, Plaintiff filed a Notice of Tag-Along Action with the
 8 JPML and on January 30, 2023, the JPML issued a Conditional Transfer Order (MDL No. 3052,
 9 Docket No. 124) that would have transferred this action to the MDL;

10 WHEREAS, Defendants filed a Motion to Vacate the Conditional Transfer Order on
 11 February 21, 2023, and briefing on that Motion to Vacate is now complete;

12 WHEREAS, Defendants deny Plaintiff’s claim (and the claims of the MDL plaintiffs) and
 13 intend to file a Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12
 14 and/or other challenge on the grounds that the Complaint does not state a cause of action as a matter
 15 of Washington law;

16 WHEREAS, the Parties previously agreed to extend the deadline for Defendants’ response
 17 to the Complaint to April 3, 2023;

18 WHEREAS, the default deadlines for holding a Rule 26(f) conference, and for initial
 19 disclosures and a discovery plan, are March 28 and April 11, respectively; and

20 WHEREAS, the JPML has not yet decided the pending Motion to Vacate;

21 THEREFORE, the Parties jointly (1) agree that the March 28, April 3, and April 11 dates
 22 described above should be vacated and this Action stayed pending the JPML’s decision; (2) request
 23 that, if the Motion to Vacate is granted and this Action remains before this Court, Defendants’
 24 deadline to respond to the Complaint is extended to 30 days from the date the Motion to Vacate is
 25 granted, and that within 30 days from the date that the Motion to Vacate is granted, the parties will
 26 jointly propose a schedule for holding a Rule 26(f) conference, initial disclosures, and a discovery
 27 plan; and (3) if the Motion to Vacate is denied, and this Action is transferred to the MDL, the Parties

1 agree that Defendants' time to respond to the Complaint, as well as other initial deadlines, should
2 be set by an anticipated scheduling order in the transferee court.

3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

4 DATED March 28, 2023.

5 Respectfully submitted,

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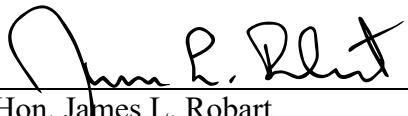
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21 Attorney for Defendants

22 IT IS SO ORDERED.

23 DATED this 29th day of March, 2023.

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Hon. James L. Robart
United States District Judge